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Comment by Friday 11/22 (COB) & Mr. Malin (IR/PO) - X 8543

DECLASSIFIED BY/RELEASE AUTHORITY:
STEPHEN WORREL, SENIOR REVIEWER
U.S DEPARTMENT OF STATE
RELEASE DECISION: RELEASE IN FULL
DATE: JANUARY 8, 2020

"Ninety-Day" Transition Paper

11-68

The Non-Proliferation Treaty

Problem

1. To achieve early US Senate advice and consent to ratification of the Non-proliferation Treaty.
2. To exert continued efforts to gain maximum worldwide adherence to the Treaty.
3. To decide the appropriate time for deposit of the US instrument of ratification.

Discussion

The Non-proliferation Treaty was opened for signature on July 1, 1968, in the three depositary capitals, Washington, London, and Moscow. The Treaty will go into effect after its ratification by the three depositary states and forty other countries. As of November 15, the US and 83 other nations (not including the GDR whose signature in Moscow we do not recognize) had signed the Treaty, of which two have also deposited their instruments of ratification. The UK in addition to Norway, Denmark and a few other countries not having nuclear weapons potential are expected to ratify in December 1968.

The favorable support that had been building up for the Treaty received a severe setback with the Soviet intervention in Czechoslovakia in August. Since that time, the number of

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new signatories ^{has} have slowed to a trickle^e. Most countries considered technically capable of developing nuclear weapons are unlikely to have signed by January 29, 1969. Of this category only Canada, Sweden, and the Benelux countries have signed so far. Non-signers are likely to include Australia, Brazil, the Federal Republic of Germany, India, Israel, Italy, Japan, Pakistan, and South Africa. The reasons for delay or refusal to sign vary. They include the desire to register disapproval over events in Czechoslovakia (Italy planned to sign on August 26, 1968, and Switzerland shortly thereafter, but the August 21 invasion caused a cancellation of these plans); an unwillingness to sign until some crucial neighboring country does also (Pakistan's only reason for not signing); a basic desire not to renounce the nuclear option at this time (India and ^{10/16/64} Israel may be considered in this category); substantive difficulties with some aspect of the Treaty (Brazil's concern with peaceful nuclear explosions); prestige reasons; the delay in US Senate approval of the Treaty, and the awaiting of the new US administration (Japan has indicated its delay is related to US action).

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On September 17, the Senate Committee on Foreign Relations voted 13 to 3 (with 3 abstentions) to recommend Senate advice and consent. However, the Committee Report of September also "urges the President, once the Senate has acted, to consider delaying the process of depositing the United States instrument of ratification until such time as he has received positive assurances that a majority of those countries nearest to a nuclear weapons capability intend to adhere to the Treaty."

A minority report recommended delay in Senate consideration of the Treaty for the purpose of resolving certain substantive questions and as a means of demonstrating the harmful effects of Soviet military action against Czechoslovakia upon US relations with the Soviet Union. In the end-of-session press for adjournment, the Senate did not bring the Treaty to a vote, but at this time of writing the prospects for advice and consent early next year appear good. In November

Senator Mansfield announced plans to place the Treaty before the Senate as soon as possible after Congress reconvenes.

Senate approval could thus ^{conceivably} come even before inauguration of the new president on January 20, although this will largely depend on the Senate leadership's views on whether further hearings are in order.

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Courses of Action

1. Senate Advice and Consent. If the Senate has not yet acted, the new Administration should give urgent priority to gaining prompt US Senate advice and consent to ratification of the Non-proliferation Treaty.

The NPT is a multilateral instrument whose entry into force is in the US interest, regardless of Soviet behavior in Eastern Europe. Early Senate action has become essential to give the Treaty sufficient new international impetus so that most of those technically advanced countries towards which the Treaty is principally directed will sign and so that the Treaty can go into effect without inordinate delay. Delay on our part would be taken by many as an indication of wavering of US support for the basic objectives of the Treaty. It would have no appreciable moderating effect upon Soviet actions in Czechoslovakia. Delay could cause the Treaty to be overtaken by other unforeseen events, and with it the prospect for progress on related measures of arms control. Protracted delay might tempt countries like Israel to go nuclear. If this were to happen, the NPT would receive a decisive set-back and the enormous diplomatic efforts of the US to negotiate the Treaty would have been wasted, undercutting US prestige.

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2. Additional Signatories. Assuming favorable US Senate action on the NPT early next year, the first ninety days of the new administration should be a crucial period in gaining the adherence to the NPT of many of the principal non-nuclear weapon countries whose signatures are still outstanding. Favorable Senate action will give us a stronger position than we have had in recent months from which to press for additional signatures. Australia, Japan, Italy, and Switzerland have informed us explicitly that they are awaiting Senate action before determining what further action to take themselves. Although Sweden signed, it has informed us it will not ratify until the US does. Owing to the far-reaching implications to their national policy of the obligations these and other non-nuclear weapons countries will assume under the Treaty, continued skillful diplomatic efforts on the part of the US will be required if we, as the principal Treaty sponsor, are to succeed in making the NPT truly worldwide.

3. Deposit of Instrument of Ratification. Since the invasion of Czechoslovakia removed the momentum which the NPT acquired with the substantial number of initial signatories and the steady trickle of signatures before August 21, action

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by the US to complete ratification probably is more necessary now than otherwise would have been the case to restore momentum to the Treaty. Although Senate consent to the Treaty would be viewed by some countries as a sufficient basis for them to sign or ratify the Treaty themselves, delay in the deposit of the US instrument of ratification might be interpreted as an indication that the new administration has reservations about the Treaty and could be used as a pretext for certain countries to delay further their signature or ratification. Additionally, it is most doubtful that the Soviet Union will ratify until the US ^{does so} has.

The Senate Committee on Foreign Relations recommended that the President take into consideration the status of Treaty action by "near-nuclear" countries before depositing the instrument of ratification. We told our NATO allies, who are members of Euratom, that we would bear in mind the status of our safeguards negotiations with the IAEA in deciding when to complete our ratification. This was done at the time that Article III on safeguards was being negotiated. Since then it has become clear that Euratom cannot commence negotiations with the IAEA until all its non-nuclear members have signed the NPT. This means in effect that such negotiations cannot start until Italy and

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See para 17)
the FRG have signed the NPT. Although Italy may sign relatively soon, there seems little prospect that the FRG will sign soon unless the NPT again builds up considerable momentum. Early completion of US ratification thus may become necessary to stimulate such momentum. If we are to consider doing this, however, it would be desirable ^{first} to consult with the Euratom countries to obtain their views about the delay in commencing Euratom-IAEA negotiations, also bearing in mind that the UK as a depositary government probably will already have ratified. (As of November 15 the British government expected to complete ratification on November 29.)

It does not seem feasible or desirable to coordinate the timing of our ratification with that of other depositary states (the UK and USSR). The UK seems determined to act independently. Soviet spokesmen have said that the USSR will not ratify until the FRG has done so. However, it is possible that the USSR will wish to ratify promptly after the US has done so, particularly if the Soviets calculate that this would serve to hasten the FRG's adherence to the Treaty.

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Aside from the possibility that the UK will already have acted, avoidance of a coordinated formal ceremony in the capitals of the 3 depositary governments to deposit our instruments of ratification seems preferable on its own merits. We do not wish to undermine the distinction between nuclear-weapon and non-nuclear-weapon states any more than necessary. Moreover, independent action by the US would blur the fallacious impression which persists among critics of the Treaty that it somehow represents a form of US-Soviet collaboration. Nevertheless, it would be prudent to approach the USSR bilaterally before completion of US ratification to determine what Soviet intentions are regarding their own ratification.

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UNITED STATES ARMS CONTROL AND DISARMAMENT AGENCY

ACDA/IR:TSWilkinson:frc

11/29/68

Memorandum of Conversation

DECLASSIFIED BY/RELEASE AUTHORITY:

STEPHEN WORREL, SENIOR REVIEWER

U.S. DEPARTMENT OF STATE

RELEASE DECISION: RELEASE IN FULL

DATE: November 27, 1968

SUBJECT: NPT and Related Swiss Concerns; Non-Nuclear Conference (U)

PARTICIPANTS: Mr. Charles Mueller, Counselor, Embassy of Switzerland
Mr. Culver Gleysteen, Deputy Assistant Director, ACDA/IR
Mr. Theodore S. Wilkinson, ACDA/IR

COPIES TO:

ACDA (17)

RPM

G/PM

INR (10)

EUR/AIS

White House-Mr. Keeny

DOD/ISA-Dr. Halperin

AEC-Mr. Labowitz (2)

USUN New York (2)

US Mission GENEVA,

DISDEL (3)

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Mr. Mueller inquired about the status of NPT signatures and ratifications, in particular that of the US. Mr. Gleysteen said that the UK would deposit its instrument of ratification tomorrow, but that most countries were waiting for the US to take further action before they moved. A special session of the Senate could not be excluded but did not seem likely. Barring this, Senators Mansfield and Aiken had both promised that the NPT would be priority business of the next Congress.

Mr. Mueller mentioned the Foreign Relations Committee proposal that the Administration consider a postponement in depositing the US instrument until a majority of nuclear threshold nations adhere. Mr. Gleysteen said we would look on any such delay in present circumstances as damaging to the NPT. It would create a vicious circle. Although we informed our EURATOM allies at one point that we would take into account the progress of IAEA-EURATOM negotiations before completing our ratification, the loss of momentum of the treaty caused by the Czech invasion and the resultant failure of Italy and the FRG to sign the NPT, and of EURATOM-IAEA Gp.1 Excluded from automatic downgrading and declassification

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negotiations to start, have created a new situation.

In response to Mr. Mueller's inquiry about how the US reads the attitudes of other key countries, Mr. Gleysteen said the USSR, which has a proforma ratification procedure, would presumably wait for US ratification, and possibly for FRG signing. Italy is waiting for the US Senate decision or for some kind of indication from the Soviets that they still favor detente. Japan is also waiting for the US Senate to act; the Japanese had thought of ratifying before the end of the current Diet session in early 1969. His guess on the FRG was that early signature by Italy and Japan would bring the FRG in, but if this does not happen soon the German election campaign will intervene early next year and cause a more extensive delay.

Mr. Gleysteen said he presumed that the Swiss government's position on the NPT depended to a great extent on the actions of its neighbors. Mr. Mueller said that was one point. But events in Czechoslovakia had changed the political climate for the NPT everywhere, and they had in addition allowed old doubts to be raised anew in various sectors of Swiss opinion. Stress placed by the Swiss delegation at the Non-Nuclear Conference (NNC) in Geneva on questions of inspection and access to technology under the NPT should be seen in this light. As an example of the problems involved, the bilateral safeguards arrangement between the US and Switzerland left control in US hands; the Swiss would like to shift control to the IAEA, but can't do this at present and still participate in Eurochemic enrichment activities at Mol, Belgium. He had informed SCI recently that the GOS was ready to negotiate a tripartite agreement, but the agreement presumably could not go into effect until EURATOM-IAEA relationships under the NPT had been settled.

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Mr. Gleysteen pointed out that Sweden and Japan in particular, and other countries as well, must be satisfied that the IAEA-EURATOM arrangements are equitable. He presumed that the position of Switzerland with regard to the forthcoming IAEA-EURATOM negotiations was not unlike that of the Scandinavian countries participating in the Mol facility.

Mr. Mueller said his Government didn't really care what formula the negotiators came up with, except for the fact that it would not like to see Swiss facilities subjected to double control. Mr. Gleysteen mentioned that Secretary General Eklund had suggested at the IAEA General Conference in late September that member countries should develop their own control systems, which the IAEA could then verify through records and a certain number of spot checks. This would make the expense of safeguards more manageable, which also is of concern to us because of the vast number of US peaceful nuclear activities which would be placed under NPT safeguards. Mr. Mueller referred to Congressman Hosmer's allegation that NPT safeguards would cost a billion dollars. Mr. Gleysteen said this was a projection for 1990 by which time there will have been a fantastic expansion of nuclear power production. Viewed in that perspective perhaps a billion dollars was not a very large sum to pay for safety. But for immediate practical purposes this figure is irrelevant. And it also ignores probable automation of safeguard systems.

Mr. Gleysteen reviewed the reasons why the US had doubted that the NNC would take place, and why we had been skeptical of its usefulness when it became clear that it would be held. In retrospect, our pessimism was born out. There were not enough people familiar with nuclear affairs at the Conference for realistic discussions on peaceful uses problems; and all the nuclear powers present, including France, had been put off by the attempts of the non-nuclears to put pressure on them in a forum in which they could not vote.

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Mr. Mueller agreed that the IAEA was the best place for the resolution of such problems as access to technological information; the substance, rather than the manner in which it was achieved, was most important to the GCS. Mr. Gleysteen pointed out that the US for its part had made many offers in the peaceful uses field, and in fact have beenwilling to render more assistance than there is a capacity to absorb. Therefore, we envisage no difficulty in implementing Article IV of the NPT. On the other hand it is probable that the coming into force of the treaty would lead to our being more forthcoming in divulging previously classified information.

Mr. Mueller asked why the US had been so passive at Geneva, when we could have taken the opportunity to inform the developing countries through discussion and dialogue. Mr. Gleysteen said we had had a difficult time deciding what role we should play. Considering the limited time frame of the NNC and the political motivations of the organizers, we had decided against participating so actively that we would share responsibility for the results. The other nuclear weapon states which participated, including France, were of the same view.

Mr. Mueller asked if the US attitude about the work of the Conference was negative "across the broad." Mr. Gleysteen said that certain resolutions (in particular the one on security assurances which failed by one vote) were mischievous, since it was well known that they would embarrass us. Beset by rivalry with the Indians, the Pakistani delegation had had to yield its leadership to the Latin Americans, and the Brazilians had pursued their own ideas almost in sport. We, however, had to view the NNC and its effect on the NPT and future arms control measures as serious business. In response to a question Mr. Gleysteen said his view was that the Soviets had been very reluctant to start strategic arms limitation until there was reasonable assurance that the NPT would materialize.

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